

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

THOMAS CIENIEWICZ,

Plaintiff,

v.

DR. GHAFORPOUR, ET AL.,

Defendants.

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1:22cv172 (LMB/TCB)

ORDER

Before the Court is plaintiff's Application for the Court to Request Counsel ("Motion") in which plaintiff asks to have an attorney appointed to represent him in this prisoner civil rights action. Plaintiff's application to proceed in forma pauperis has been granted [Dkt. No. 11], and therefore this Court has discretion to request that an attorney represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1). The Fourth Circuit has held that a district court should appoint pro bono counsel to represent a litigant who is proceeding in forma pauperis where a "pro se litigant has a colorable claim but lacks the capacity to present it." See Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984). Plaintiff has alleged a colorable claim and has described many litigation hurdles that he has been unable to overcome without legal representation. For these reasons, plaintiff's Motion [Dkt. No. 4] is GRANTED, and it is hereby

ORDERED that Daniel H. Goldman be and is appointed to represent plaintiff in this civil action, pro bono. Mr. Goldman may be assisted by co-counsel of his choosing; and it is further

ORDERED that all pending motions be and are DENIED WITHOUT PREJUDICE; and it is further

ORDERED that plaintiff's counsel file an amended complaint within 45 days.

The Clerk is directed to enter Daniel H. Goldman as counsel of record for plaintiff and to forward copies of this Order to counsel of record and to plaintiff at 104 N. Witchduck Road, Virginia Beach, VA 23462 and by email to tcinow888@gmail.com.

Entered this 8<sup>th</sup> day of August, 2022.

Alexandria, Virginia

/s/ LMB  
Leonie M. Brinkema  
United States District Judge